

Judge Leighton

ENTERED  
ON DOCKET

FEB - 3 2003

By Deputy

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| JAN 31 2003   |        |
| CLERK U.S. DISTRICT COURT<br>WESTERN DISTRICT OF WASHINGTON AT TACOMA |        |
| BY  | DEPUTY |

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT R. KEPPEL,

Defendant.

NO. CR02-5719RBL

PRELIMINARY ORDER  
OF FORFEITURE

Pursuant to Rule 32.2 Federal Rules of Criminal Procedure and based upon the guilty plea of Robert R. Keppel to the offense alleged in the Information herein, charging him with knowingly converting to the economic benefit of himself and others, trade secrets belonging to Microsoft Corporation, in violation of Title 18, United States Code, Section 1832(a)(2) and Section 2, it is hereby

ORDERED, ADJUDGED and DECREED that pursuant to Title 18, United States Code, Section 1834(a), Robert Keppel's interest in the following property is hereby forfeited to the United States of America:

1. \$12,552.77 in U.S. FUNDS , more or less, from US Bank, Account 153607353031 in the name of Keen Interactive Business;
2. \$1,062.12 IN U.S. FUNDS, more or less, from US Bank, account 153591054652 in the name of Robert Keppel;
3. \$1,570.16 from US BANK, more or less, account 153604461670 in the

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1 name of Robert Keppel;

2 4. \$41,785.93 from US BANK, more or less, account 153691259540 in the  
3 name of Cheat Sheets;

4 5. 2001 LEXUS RX300, VIN # JTJHF10U910197713;

5 6. 1997 FERRARI 355 SPIDER CONVERTIBLE, VIN #  
6 ZFFXR48A0V0107499,

7 IT IS FURTHER ORDERED that the United States Marshal shall seize the  
8 above-described bank accounts and vehicles, and maintain the properties in its custody  
9 and control until further order of this Court.

10 IT IS FURTHER ORDERED that pursuant to Title 21, United States Code,  
11 Section 853, the United States shall publish notice of this Preliminary Order of  
12 Forfeiture and of the United States' intent to dispose of the property in accordance with  
13 law. The notice shall run for three (3) consecutive weeks in the Seattle Daily Journal  
14 of Commerce and/or any other appropriate newspaper of general circulation. The  
15 notice shall state that any person, other than the defendant, having or claiming a legal  
16 interest in the above-described property must file a petition with the Court within thirty  
17 (30) days of the final publication of notice or of receipt of actual notice, whichever is  
18 earlier.

19 The notice shall advise such interested persons that:

- 20 1. the petition shall be for a hearing to adjudicate the validity of the  
21 petitioner's alleged interest in the above-described property;  
22 2. the petition shall be signed by the petitioner under penalty of perjury; and  
23 3. the petition shall set forth the nature and extent of the petitioner's right,  
24 title or interest in the forfeited property.

25 The petition shall also set forth any additional facts supporting the petitioner's claim  
26 and the relief sought.

27 The United States shall also, to the extent possible, provide direct written notice  
28 as a substitute for published notice to any person known to have alleged an interest in

1 the above-described properties that are the subject of this Preliminary Order of  
2 Forfeiture. Upon adjudication of any third-party claims, this Court will enter a Final  
3 Order of Forfeiture pursuant to Title 21, United States Code, Section 853, in which all  
4 such claims will be addressed.

5 IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(3), Federal Rules of  
6 Criminal Procedure, this Preliminary Order of Forfeiture shall become final as to the  
7 defendant at the time of sentencing and shall be made part of the sentence and included  
8 in the judgment. If no third party files a timely claim, this Order shall become the  
9 Final Order of Forfeiture as provided by Rule 32.2(c)(2), Federal Rules of Criminal  
10 Procedure.

11 IT IS FURTHER ORDERED that after the disposition of any motion filed under  
12 Rule 32.2(c)(1)(A), Federal Rules of Criminal Procedure and before a hearing on any  
13 third party petition, discovery may be conducted in accordance with the Federal Rules  
14 of Civil Procedure upon a showing that such discovery is necessary or desirable to  
15 resolve factual issues.

16 IT IS FURTHER ORDERED that the United States shall have clear title to the  
17 above-described properties listed above following the Court's disposition of all third  
18 party interests, or, if none, following the expiration of the period provided in Title 21,  
19 United States Code, Section 853(n) for the filing of third party petitions.

20 IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce  
21 this Order, and to amend it as necessary, pursuant to Rule 32.2(e), Federal Rules of  
22 Criminal Procedure.

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1 The Clerk of the Court is directed to send a copy of this Preliminary Order of  
2 Forfeiture to all counsel of record and eighteen (18) "raised sealed" certified copies to  
3 the United States Marshals Service in Seattle, Washington.

4 DATED this 31<sup>st</sup> day of January, 2003.


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UNITED STATES DISTRICT JUDGE

7 Presented by:

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10 ANNETTE HAYES  
Assistant United States Attorney

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13 RICHARD E. COHEN  
Assistant United States Attorney

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15   
16 MICHELE L. KOHLER  
Attorney for Defendant  
17 ROBERT KEPPEL

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19 ROBERT R. KEPPEL  
Defendant  
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United States District Court  
for the  
Western District of Washington  
February 3, 2003

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 3:02-cr-05719

True and correct copies of the attached were mailed by the clerk to the following:

USPO - Tacoma  
US PROBATION OFFICE  
ROOM 1310  
1717 PACIFIC AVE  
TACOMA, WA 98402-3231  
FAX 1-253-593-6378

PTS - Tacoma  
PRETRIAL SERVICES  
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USMO (18 CERTS)

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